

20 August 2020

Australian Government, Productivity Commission

GPO Box 1428
Canberra City ACT 2601

To Whom It May Concern,

Re: Healthy Land and Water's response to invitation for submission *National Water Reform Issues Paper*

Healthy Land and Water (HLW) is an independent organisation dedicated to improving and protecting our natural assets and environmental values. Working in partnership with Traditional Owners, government, private industry, utilities and the community, we deliver innovative and science-based solutions to challenges affecting the environment.

HLW has extensive experience in delivering a broad range of projects aimed at improving and protecting the natural assets of the region of South East Queensland, delivering best practice urban water capacity building across the State of Queensland, providing economic and social benefits to the community. Our purpose is to provide solutions through valuable collaboration with others to protect and improve the natural assets of the region and the State.

Our science-driven and community-focused collaborative approach has been studied by researchers and policymakers and implemented around the world – including government representatives from China, the Philippines and Indonesia. HLW's work has attracted formal commendations from the Wentworth Group of Concerned Scientists and the Australian House of Representatives.

Our Water by Design program was established in 2005 to deliver capacity building and extension programs that reach a broad audience of urban water practitioners from water service providers, state and local government, building and construction industry, consultancies and regional partnerships. It is recognised as the leading sustainable urban water management capacity building initiative in Australia and has links to communities of practice in South East Queensland (SEQ) across the Great Barrier Reef (GBR) Catchments of Queensland and strong networks across Australia and Internationally. Water by Design (WbD) has strong links to research, policy and practice and is the recognised State delivery arm of the Cooperate Research Centre for Water Sensitive Cities national program. WbD delivers best practice Urban Stormwater (USW) and Erosion and Sediment Control (ESC) capacity building activities that support the uptake of a Sustainable Urban Water Management (SUWM) approach

Healthy Land and Water (HLW) is pleased to provide the following submission in relation to the Productivity Commissions 'Issues Paper' on National Water Reform.

Information request 1:

- Through our State Steering Committees and extensive Communities of Practice within the urban water management sectors in Queensland HLW have not seen Integrated Water Catchment Management (IWCM) adopted broadly across Queensland Councils and water utilities. To drive adoption and enable uptake HLW feel a legislated approach that is underpinned by monitoring frameworks, such as the Queensland Urban Water Stewardship Framework would suit broadscale rollout.



- The 'Case for Best Practice ESC Compliance in SEQ' was a body of work undertaken in 2013 by Healthy Land and Water. Many of the findings are still relevant today and continues to build the case for investment in sustainable urban water management, not only for water quality benefits but for the many co-benefits such as liveability and community outcomes. Anecdotally through our State Water by Design Sustainable Urban Water Management Capacity Building we have found that compliance and enforcement of sediment, nutrient and contaminated water releases from construction sites continue to decline in most Queensland jurisdictions. Healthy Land and Water recommend increased State Government support to Local Government with regulatory services and regular compliance capacity building activities.
- Refer here for the 'Case for Best Practice ESC Compliance in SEQ' Report: <https://waterbydesign.com.au/download/the-case-for-best-practice-erosion-and-sediment-control-compliance-a-seq-perspective-2013>

Information request 3:

- Healthy Land and Water recently undertook a review of the Queensland State Planning Policy to recommend improvements to the Water Quality State Interest. While SPP amendments are just part of the solution, complimentary recommendations were also provided to improve waterway management more broadly. This review culminated in a 'Blueprint for Holistic Waterway Management' document which can be accessed at the link below. Outcomes of the Blueprint centred on 12 Strategic Aims that should be considered for relevance and inclusion in a renewed NWI.
- Link to the Blueprint document here: <https://waterbydesign.com.au/download/spp-review-blueprint-for-improving-waterway-management>

Information request 5:

- HLW recommend that to support best proactive monitoring and compliance across jurisdictions state government reinstate compliance services on large urban development (e.g. greater than 2500 square metres) together with dedicated erosion and sediment construction and control regulatory teams
- Recommend that NWI support development of integrated monitoring programs that utilise the wealth of community- and government-sourced data, along with compliance monitoring data collected through regulatory monitoring requirements. This could be through capacity building, funding and connecting successful programs to regions where there is a desire but not yet expertise to deliver such programs.
- HLW's capacity building program Water by Design has identified through stakeholder feedback, anecdotal evidence and through extension (including with local governments and Community of Practice networks) that regular professional industry, community capacity building and knowledge brokering activities coupled with effective compliance are required to avoid 'backsliding'. Current levels of accessible (location and cost) training and compliance are insufficient, so additional funding and support is required at all levels of Government.
Furthermore, most capacity building programs across Australia are delivering high value services, despite decreases in funding threatening viability or resulting in closure of several programs.
- HLW's Living Waterways framework has been developed as a best practice environmental management approach that assists practitioners and government to deliver enduring and affordable outdoor spaces which engage the surrounding communities. The Living Waterways



approach has been developed to support implementation of water sensitive urban design by encouraging and incentivizing design solutions that embody the natural, historical and cultural elements of a site. The Living Waterways Tool links to the State's Stormwater Quality Design Objectives (SMDOs) and is a valid alternative to 'business as usual' WSUD installations.

The Living Waterways framework recognises and integrates changing climate impacts such as increasingly unpredictable events such as flooding, drought, heatwaves and bushfires. The framework acknowledges within its scope and scoring framework the importance of building the ability of communities to not only withstand these impacts, but also to understand the collective roles in developing better cities to improve outcomes in response to these system shocks. The resilience indicator in Living Waterways has been developed to analyse how the project contributes to the principles of social-ecological resilience. This indicator considers how well the proposed project aligns with the overarching need for greater adaptability and flexibility in management approaches in the face of complex threats – such as increasing climate variability, population growth, and pollutant sources. Projects that have achieved the minimum Living Waterways overall score can also be compared using this resilience score which is calculated automatically. The resilience indicator was developed using the guiding principles of the Stockholm Resilience Centre and its seven principles for improving the resilience of interdependent societies and ecosystems.

Information Request 6:

- It is Healthy Land and Water's view that current environment and water quality requirements are not adequately specified or regulated in urban development planning and water utilities planning to achieve improved outcomes. We believe that currently water and nutrient offset programs are not monitored effectively to adequately inform future planning.
- In Queensland, we believe that urban water management requires integration into natural resource planning and management frameworks. Drought management activities tend to occur more reactively than forward planned and that many existing planning frameworks do not adequately consider drought conditions.

Information Request 7:

- In 2017, Commonwealth and state and territory agencies developed a module under the National Water Initiative (NWI) to assist with engaging Indigenous Peoples in water planning and management. The module noted that most jurisdictions have improved the amount of consultations with Indigenous communities in water planning and management, although it has been shown to have generally failed to incorporate effective strategies for achieving cultural values in water planning arrangements.
- The engaging Indigenous Peoples module intends to further assist jurisdictions in developing and implementing consistent, inclusive water planning and management processes that support Indigenous social, spiritual and customary objectives. In particular, the module:
 - provides guidance on recognising Indigenous values and needs in relation to water resource planning and management.
 - highlights innovative ways to facilitate effective representation and engagement of Indigenous peoples in water planning; and
 - provides examples of the incorporation of Indigenous values, objectives and needs in water planning and management activities.



- The NWI acknowledges that in Queensland, the Water Act mandates that the cultural values of water must be considered when developing a WRP. However, Australia's governments need to be consistently reassessing the way they provide for Indigenous access to water through policy, legislation and programs.

The following recommendations are made to government and water management entities for consideration in the development of culturally sensitive water strategies and operational programs.

- Acknowledge Native Title and the appropriate protocols for engagement and access and management of these lands.
- There is a legal requirement to endorse this recommendation and a social license to be exercised by supporting self-determination.
- Conserve the cultural heritage significance of places and areas including those associated with cultural water assets for the benefit of the community and future generations.
- Acknowledging and preserving the nation's cultural heritage ensures its ongoing contribution to the society and the economy of Queensland.
- Engage First Nation's People appropriately to enable their cultural knowledge and connection to land, water and seascapes to be included in planning for communities and the sustainable management of cultural and natural resources.
- First Nation's People must be supported to manage water for traditional activities or cultural purposes as a basic right as per the Water Act.
- The Water Act provides opportunities for water management to proceed in tune and cognisant of the full suite of values associated with water resources.
- Undertake water planning and management at a cultural landscape scale that takes into account cultural flows and is not constrained by a localised catchment focus.
- The Water Act allows for a catchment scale approach to water planning but it must recognise water is part of one connected system that includes the land, people and all living things, and has spiritual, cultural, social, economic and environmental value. These connections may be across catchments and between seemingly disparate water bodies.
- Incorporate effective strategies for achieving cultural values in water planning arrangements at all levels of government in line with the NWI and informed by the engaging indigenous people's module.
- Supporting material is available from the NWI to enable the effective and conscious integration of cultural values in water planning and management.
- Governments need to consistently reassess the way they provide for Indigenous access to water through policy, legislation and programs.
- While this is a call out to all state governments, the Queensland Government and water entities with interests in Queensland can play a lead role in integrating cultural values of water and the aspirations of First Nations in water planning.
- All planning and management must subscribe to the overarching principle that 'water' is vital to the wellbeing of every living thing – people, animals, plants, earth and air.
- This is a fundamental commitment to the acknowledgement of the legal and human rights and for the ideals and goals of reconciliation.
- Integrate cultural burning practices into landscape management for water quality outcomes.



- Applying cultural burning practices will reinstate a more balanced landscape and reduce the impacts from bushfires impacting on water resources and water quality.
- Ensure the planning and management of water assets considers culturally derived values and interests when making decisions relating to water.
- Water management decisions must be arrived at and continually monitored based on the integration of cultural values from the very inception of the water planning process.
- Include cultural and ecological values in the management of water resources and facilitate economic opportunities that can be gained from access to water.
- A significant component of sustaining cultural water values is that Indigenous People must have access to a guaranteed supply of water to meet Indigenous values, needs, and priorities including economic purposes while respecting the traditional lore of beneficial take.

Information Request 11:

- HLW has produced several industry discussion papers and associated guidelines to address many of the priority areas for urban water reform identified in 2017. We believe that due to under-resourced local governments coupled with a lack of regulation required for broad adoption, these bodies of work developed to drive reform in the identified priority areas have not been widely incorporated or adopted by the sector.
- Refer here for the Total Water Cycle Management Planning Guideline:
<https://waterbydesign.com.au/download/total-water-cycle-management-planning>
- In terms of jurisdictional urban water service planning interface with urban land-use planning at different scales, in Queensland we experience that the majority of jurisdictional urban water service planning does not consider the wider water cycle and other non-urban activities. Where the Council and Water utility are separated, in many instances there is a lack of water integration between Stormwater, Sewerage and Potable water services and planning

As the leading sustainable urban water management capacity building initiative in Australia we are available to offer further information and data where we can, as requested. We will continue to work with our partners and Communities of Practice, both across Queensland and more broadly on a national scale, to encourage innovative practice and build consistent approaches to best practice sustainable urban water management.

We thank you for the opportunity to submit this letter, we believe that facilitating information exchange, networking, and constructive debate, practitioners will continue to be motivated to deliver high quality urban environments.

Kind regards,

Julie McLellan
Chief Executive Officer
Healthy Land and Water

